

AMENDED IN ASSEMBLY APRIL 30, 2002

AMENDED IN ASSEMBLY APRIL 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2074

Introduced by Assembly Member Chavez

February 19, 2002

An act to amend Section 23580 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2074, as amended, Chavez. Vehicles: driving under the influence.

Existing law requires that a person who is convicted of certain offenses involving driving under the influence of any alcohol or drug and the offense is a 2nd or subsequent offense punishable under specified provisions, be sentenced to either a specified term of imprisonment or not less than 10 days of community service.

This bill would ~~increase the days of community service to 30 days.~~ This bill would also permit a person to participate in a home detention program, subsequent to serving a specified term of confinement. Because this bill would ~~increase the amount of community service, and~~ impose additional duties on local governments relative to home detention, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23580 of the Vehicle Code is amended
2 to read:

3 23580. (a) (1) If any person is convicted of a violation of
4 Section 23152 or 23153 and the offense was a second or
5 subsequent offense punishable under Section 23540, 23546,
6 23550, 23550.5, 23560, or 23566, the court shall require that any
7 term of imprisonment that is imposed include at least one period
8 of not less than 48 consecutive hours of imprisonment or, in the
9 alternative and notwithstanding Section 4024.2 of the Penal Code,
10 that the person serve not less than ~~30~~ 10 days of community
11 service.

12 (2) If the term of imprisonment imposed on a person described
13 in paragraph (1) exceeds the minimum 48 hours of actual
14 confinement, the court may permit the person to participate in a
15 home detention program established pursuant to Section 1203.016
16 of the Penal Code, after the person has served the 48 consecutive
17 hours of confinement in a jail or other facility described in
18 subdivision (c).

19 (b) Notwithstanding any other provision of law, except Section
20 2900.5 of the Penal Code, unless the court expressly finds in the
21 circumstances that the punishment inflicted would be cruel or
22 unusual punishment prohibited by Section 17 of Article I of the
23 California Constitution, no court or person to whom a person is
24 remanded for execution of sentence shall release, or permit the
25 release of, a person from the requirements of subdivision (a),
26 including, but not limited to, any work-release program, weekend
27 service of sentence program, diversion or treatment program, or
28 otherwise.

29 (c) For the purposes of this section, “imprisonment” means
30 confinement in a jail, in a minimum security facility, or in an
31 inpatient rehabilitation facility, as provided in Part 1309
32 (commencing with Section 1309.1) of Title 23 of the Code of
33 Federal Regulations.



1 (d) This section shall become operative only if, and upon the
2 date of the certification by, the Department of Motor Vehicles to
3 the Secretary of State that California has submitted a completed
4 application for federal Title 408 grant programs funds pursuant to
5 that Part 1309.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

